

March 4, 2019

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

RE: *In re Foreign Exchange Benchmark Rates Antitrust Litig.*, 13-cv-07789 (“FOREX”); *Nypl, et al. v. JPMorgan Chase & Co., et al.*, 15-cv-09300 (“Nypl”); *Contant, et al. v. Bank of America Corporation, et al.*, 17-cv-3139 (“Contant”); and *Allianz Global Investors GMBH, et al. v. Bank of Am. Corp., et al.*, 18-cv-10364 (“Allianz”).

Dear Judge Schofield:

On behalf of all parties in the above-referenced actions (the “Actions”), except the *Nypl* plaintiffs who object to joining this submission as explained further below, and pursuant to this Court’s December 20, 2018 and February 19, 2019 Orders (*Contant*, ECF Nos. 195 & 225), we write to submit a draft Proposed Deposition Protocol to facilitate the scheduling, noticing and taking of depositions in the Actions. Pursuant to this Court’s December 20, 2018 Order (*Contant*, ECF No. 195), the parties exchanged initial proposed drafts and later met and conferred in good faith by telephone to negotiate this protocol, including conferences involving representatives on behalf of all parties on February 11, February 26, March 1, and March 4, 2019. As a result of this meet-and-confer process, all defendants in all of the Actions, *FOREX* plaintiffs, *Allianz* plaintiffs and *Contant* plaintiffs have agreed to the terms in the attached Proposed Deposition Protocol, except where marked. Defendants have attempted to capture the *Nypl* plaintiffs’ position in the Proposed Deposition Protocol, but the *Nypl* plaintiffs have objected to joining this protocol and have requested more time to negotiate the terms governing depositions in the *Nypl* action.

All parties in the Actions respectfully propose to file letter motions with this Court of no more than two pages per side for each disputed issue by March 7, 2019, setting forth each side’s position with respect to the disputed terms reflected in the attached draft Proposed Deposition Protocol. Defendants will continue to meet and confer with *Nypl* plaintiffs prior to March 7, 2019, regarding the terms governing depositions in the *Nypl* action, at which time defendants respectfully propose that each side file letter motions with this Court of no more than two pages per side setting forth each side’s position with respect to any remaining dispute.

Respectfully submitted,

SKADDEN, ARPS, SLATE,
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By: /s/ Boris Bershteyn _____

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¹ Skadden, Arps, Slate, Meagher & Flom LLP does not represent JPMorgan Chase & Co., JPMorgan Chase Bank, N.A. and J.P. Morgan Securities LLC with respect to claims by BlackRock, Inc. or BlackRock-related entities listed in Appendix C of the complaint in *Allianz Global Investors GMBH, et al. v. Bank of Am. Corp., et al.*, 18-cv-10364.